

Opportunities for Community Education Programs in No Child Left Behind Act Supplemental Services Provisions

Written by: The National Community Education Association June 18, 2002

Changes in the Elementary and Secondary Education Act Include Unique Opportunities for Community Education Programs

The recently enacted No Child Left Behind (NCLB) legislation has created an opportunity for Community Education programs. Because of their unique position in a school district, they are in a posture to take advantage of one of the key provisions in NCLB.

The No Child Left Behind Act (NCLB) was enacted by Congress in December 2001 and signed into law by President Bush January 8, 2002. It reauthorizes the Elementary and Secondary Education Act and provides federal funding for many educational programs such as programs for economically disadvantaged youth and families, vocational education, 21st Century Community Learning Centers, English language learners, and other targeted populations. The currently crafted legislation will be in effect through 2007, and many of the law's requirements will begin implementation in the fall of this year.

What has been most reported about NCLB is its accountability provisions and emphasis on assessment as a tool to help all students meet state proficiency standards for mastery of reading/language arts and mathematics (and beginning in 2005 strong provision for schools to become accountable for student's mastery of science as well). However, NCLB does provide significant **opportunities for Community Education programs to become providers of supplemental services to students and their families.**

Background and Funding:

The goal of NCLB is 100% proficiency for all students in 12 years. Schools that have not met State defined Adequate Yearly Progress for two consecutive school years will be identified by the district as needing School Improvement before the beginning of the next school year. Immediately after identification, these schools are required to offer Public/Charter School Choice to all students in the failing school not later than the first day of the school year following identification.

If the school does not make adequate yearly progress for three consecutive years, the district must continue to offer public school choice to all students in the failing school *and* provide **Supplemental Educational Services**. In this instance, the Community Education program can become that provider. The school district must use 5% of its overall Title I, Part A funds to pay

for these supplemental services. The school district is required to spend its per pupil allocation of Title I funds or the actual cost of the supplemental services, whichever is less.

In many cases, both school choice and supplemental services must be offered the school year beginning this Fall.

What Are Supplemental Education Services?

The U. S. Department of Education defines Supplemental Educational Services as "extra academic assistance for low-income students who are attending Title I schools that have failed to make Adequate Yearly Progress for three or more years. This extra academic assistance is designed to be provided to ensure that students increase their levels of academic achievement, particularly in reading, language arts, and mathematics.

The Department of Education and Congress have taken the stance that, schools that don't improve or meet state standards must use their federal funds to get children extra help; that extra help might mean paying for supplemental services in the community such as tutoring, after school programs, remedial classes or summer school. This instruction must take place outside the regular school day. Community Education Programs are in an excellent position to assist schools in the provision of these tutoring services.

The Role of States:

State Education Agencies (SEAs) are responsible for identifying schools for which supplemental educational services are required. Additionally, they must develop and apply objective criteria for identifying supplemental education service providers. SEAs must also consult with parents, teachers, school districts, and interested members of the public to identify a wide array of supplemental education service providers so that parents and families have a wide variety of choices in the receipt of these services.

The States list of approved providers must be updated on at least an annual basis and must be provided to school districts in order that they may have a list of providers available in their geographic locations.

The Role of Local Education Agencies:

Districts must arrange for the provision of supplemental educational services to eligible children from a provider with a demonstrated record of effectiveness or a high probability of success. This provider is to be selected by the parents of the eligible child in cooperation with the school district of residence and approved for that purpose by the SEA [Section 1116(e)(1)]. Additionally, qualifying school districts are required to:

- Notify parents annually (in an understandable and uniform format, and, to the extent practicable, in a language the parents can understand) of:

The availability of supplemental services

- The approved providers whose services are within the school district or whose services are reasonably available in neighboring school districts
- A brief description of the services, qualifications, and demonstrated effectiveness of each approved provider to assist the parent in selecting a provider
- Contact providers selected by the parents and enter into a contractual agreement on behalf of the student
- Monitor the responsibilities of the approved provider

Criteria for Providers:

Criteria developed by SEAs for identification of providers must include:

1. A demonstrated record of effectiveness in improving student academic achievement;
2. Documentation that the instructional strategies used by the provider are high quality, based upon research, and designed to increase student academic achievement;
3. Evidence that services are consistent with the instructional program of the school district and with state academic content standards; and
4. Evidence that the provider is financially sound.

With respect to the first criterion, each state education agency is responsible for defining what would be acceptable evidence of effectiveness. Acceptable evidence may include significant improvement in student academic achievement, successful use of instructional practices based on sound research or of documented success by other providers, successful and sustained remediation of reading or math difficulties, or use of a program that others have successfully used to improve student academic achievement.

The Secretary of Education has stated that, "providers shall not be disqualified on the grounds that their documentation of instructional strategies does not include scientifically based research." Nor may any state education agency require supplemental education service providers to hire only certified teachers in order to be considered eligible.

Providers of Supplemental Services:

In order for a provider/Community Education program to be included on the State list they must agree to carry out the following:

- Provide parents of children receiving supplemental services and the LEA with information on the progress of the children in increasing achievement, in a format and, to the extent practicable, a language that such parents can understand,
- Ensure that instruction provided and content used by the provider is consistent with the instruction provided and content used by the local educational agency and State, and are aligned with State student academic achievement standards.
- Meet all applicable Federal, State, and local health, safety, and civil rights laws

Entities eligible to apply to provide supplemental services may include, but are not limited to:

Community Agencies	Charter Schools	Private schools
Individuals	Child Care Centers	Public Schools
Libraries	Community Colleges	Private Companies
On-line Schools	Family Literacy Programs	Even Start Programs
Faith Based Organizations	Boards of Cooperative Educational Services	

Points to Remember:

- Title I schools that have been identified for school improvement for two or more consecutive years as of January 7, 2002 must begin offering supplemental education services at the beginning of the 2002-2003 school year.
- To find out which schools in your community that have been identified as in need of school improvement, corrective action, or failing, contact the person in your department who is in charge of federal programs.
- Afterschool programs traditionally offered through Community Education programs "provide the additional time and one-on-one assistance that some youth need to master their reading skills. These quality research-based tutoring programs produce improvements in reading achievement and can lead to greater self-confidence in reading." (U.S. Department of Education and U.S. Department of Justice, Working for Children and Families: Safe and Smart After-School Programs (Washington, D.C., April 2000).
- Community Education programs provide an attractive environment and familiarity that parents already know and trust.
- Supplemental Services delivered through Community Education programs are offered in sites that are approved and accepted by the community. They are nestled in places where children in need of these services already live and are staffed with personnel that are close to the issues and already know the challenges faced by many of the youth who qualify for supplemental services.
- Because they exist as a part of a school district, Community Education programs can use the supplemental service provisions in NCLB to further develop their relationship with the regular school staff and thus move their effectiveness to a higher level than those who are outside the school community.
- Community Education programs must demonstrate that not only do they have the good will, but they also have the experience in meeting standards and putting into place a systemic program designed to increase student performance.
- Even with what appears to be openness in the criteria for eligibility, Community Education programs, like everyone else, are going to have to prove to SEAs that they can get the results required by the law.

Definitions:

Adequate Yearly Progress: An individual state's measure of yearly progress toward achieving state academic standards. "Adequate Yearly Progress" is the minimum level of improvement that states, school districts and schools must achieve each year.

Assessment: Another word for "test." Under No Child Left Behind, tests are aligned with academic standards. Beginning in the 2002-03 school year, schools must administer tests in each of three grade spans: grades 3-5, grades 6-9, and grades 10-12 in all schools. Beginning in the 2005-06 school year, tests must be administered every year in grades 3 through 8 in math and reading. Beginning in the 2007-08 school year, science achievement must also be tested.

Corrective Action: When a school or school district does not make yearly progress, the state will place it under a "Corrective Action Plan." The plan will include resources to improve teaching, administration, or curriculum. If failure continues, then the state has increased authority to make any necessary, additional changes to ensure improvement.

Elementary and Secondary Education Act (ESEA): ESEA, which was first enacted in 1965, is the principal federal law affecting K-12 education. The No Child Left Behind Act is the most recent reauthorization of the ESEA.

Local Education Agency (LEA): A public board of education or other public authority within a State which maintains administrative control of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a state.

Public School Choice: Students in failing schools will have the option to transfer to better public schools in their districts. The school districts will be required to provide transportation to the students. Priority will be given to low-income students.

State Educational Agency (SEA): The agency primarily responsible for the State supervision of public elementary and secondary schools.

Supplemental Services: Students from low-income families who are attending schools that have been identified as failing for two years will be eligible to receive outside tutoring or academic assistance. Parents can choose the appropriate services for their child from a list of approved providers. The school district will purchase the services.

Title I: The first section of the ESEA, Title I refers to programs aimed at America's most disadvantaged students. Title I Part A provides assistance to improve the teaching and learning of children in high-poverty schools to enable those children to meet challenging State academic content and performance standards. Title I reaches about 12.5 million students enrolled in both public and private schools.

Sources:

Public Advocacy for Kids, Overview of the Elementary and Secondary Education Act Summary, Arnold Fege, March 2002

Opportunities for Service-Learning in the No Child Left Behind Act of 2001, Shelly H. Billing and Stephany Brown for RMC Research Corporation, Denver

A Primer on the Early and Secondary Education Act, Carl Wozniak

Summary of Supplemental Education Services Under the "No Child Left Behind Act of 2001," Education Leaders Council

What to Know & Where to Go, Parents' Guide to No Child Left Behind A New Era In Education, U. S. Department of Education, 2002

Letter of Guidance to State Superintendents Secretary of Education, June 14, 2002

Department of Education Supplemental Educational Services Overview

Colorado Department of Education, Office of Special Services Supplemental Educational Service Providers Request for Proposals

Massachusetts Department of Education No Child Left Behind Fact Sheet

H.R. 1, The No Child Left Behind Act of 2001, Conference Agreements

No Child Left Behind Act of 2001 Public Law 107-110

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